

Attorneys for Plaintiff  
**KYLE L. ADAMS**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KYLE L. ADAMS

Plaintiffs,

VS.

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, SHERIFF MICHAEL HENNESSEY in his official capacity as Sheriff for the CITY and COUNTY of SAN FRANCISCO; SCOTT NEU individually and in his official capacity as a San Francisco Sheriff's Department Deputy for the CITY AND COUNTY OF SAN FRANCISCO; DOES 1-50, inclusive; individually and in their official capacities for the CITY AND COUNTY OF SAN FRANCISCO

Defendants.

Case No.: 08-cv-3696 PJH

STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE SETTLEMENT  
CONFERENCE

1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request  
2 modification of Magistrate Judge Joseph Spero's Notice of Settlement Conference Order to  
3 continue the settlement conference currently scheduled for April 7, 2009, to a later date  
4 sometime within the month of August 2009 or some other date convenient to the court and the  
5 respective parties.

6 The parties make this request based upon the following circumstances:

7 1. The parties are currently scheduled to participate in a Settlement Conference before  
8 Magistrate Judge Spero on April 7, 2009.

9 2. The parties arranged to have Plaintiff's deposition taken on February 25, 2009, and  
10 February 26, 2009, at California State Prison, San Quentin, where plaintiff was in custody.

11 3. However, due to unforeseen circumstances, Defendants' counsel was unable to take  
12 Plaintiff's deposition on the noticed date. Specifically, the day before the noticed deposition  
13 date, Plaintiff's counsel went to visit Plaintiff at San Quentin and was advised that Plaintiff's  
14 housing classification had been recently changed. Plaintiff had been placed in Administrative  
15 Segregation and was no longer in General Population. Plaintiff's counsel was further advised  
16 that the classification change was due to threats being made against Plaintiff's life and the  
17 ensuing Department of Correction investigation into the same.

18 4. Plaintiff's counsel was further advised that proceeding with the noticed deposition may  
19 place Plaintiff's life in jeopardy.

20 5. Therefore, counsel for both parties agreed to continue Plaintiff's deposition to a later date  
21 wherein taking Plaintiff's deposition would not further compromise his security.

22 6. Plaintiff was recently transferred to Soledad State Prison and is awaiting transfer to  
23 California State Prison Mens' Colony (CMC) in San Louis Obispo. Unfortunately, the  
24 Department of Correction did not provide Plaintiff's counsel with a specific transfer date.

25 7. The parties intend to go forward with Plaintiff's deposition once he is transferred to  
CMC.

8. In order for the settlement conference to be beneficial, defendants need to complete  
Plaintiff's deposition.

9. In light of the foregoing, the undersigned parties, through counsel, STIPULATE and AGREE and jointly request the Settlement Conference currently scheduled for April 7, 2009 be continued to a later date in the month of August 2009 that is convenient for both the court and the parties.

Date: March 20, 2009

/s/ Adante D. Pointer  
Adante D. Pointer, Esq.  
Attorney for Plaintiff

**[PROPOSED] ORDER**

Pursuant to stipulation, and for good cause appearing, It is ORDERED that the Settlement Conference be continued from April 7, 2009, to \_\_\_\_\_, 2009, at 9:30 a.m. All provisions of the Court's original No. \_\_\_\_\_ order shall remain in effect.

DATED: March 23, 2009

